

ENTERED

September 28, 2018

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

ABEL JAIMES SANCHEZ

§

§

§

VS.

§ CIVIL ACTION NO. 7:17-CV-366

§

§

§

LORIE DAVIS, Director, Texas
Department of Criminal Justice,
Correctional Institutions Division.

ORDER ADOPTING REPORT AND RECOMMENDATION

Pending before the Court is Abel Jaimes Sanchez's petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254, which had been referred to the Magistrate Court for a report and recommendation. On July 15, 2018, the Magistrate Court issued the Report and Recommendation, recommending that Respondent's Motion for Summary Judgment be **GRANTED**, Petitioner's § 2254 Petition be **DENIED**, and claims **DISMISSED** with prejudice, and that a Certificate of Appealability be **DENIED** upon the issuance of this Court's final order.

Pursuant to Federal Rule of Civil Procedure 72(b), the Court has reviewed the Report and Recommendation for clear error.¹ Finding no clear error, the Court adopts the Report and Recommendation in its entirety. Accordingly, Respondent's Motion for Summary Judgment is **GRANTED**, Petitioner's § 2254 Petition is **DENIED**, and claims are **DISMISSED** with prejudice. A Certificate of Appealability is **DENIED**.

¹ "The advisory committee's note to Rule 72(b) states that, '[w]hen no timely objection is filed, the [district] court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.' " *Douglas v. United States Service Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996) (quoting Fed. R. Civ. P. 72(b) advisory committee's note (1983)) superseded by statute on other grounds by 28 U.S.C. § 636(b)(1), as stated in *ACS Recovery Servs., Inc. v. Griffin*, No. 11-40446, 2012 WL 1071216, at *7 n.5 (5th Cir. Apr. 2, 2012).

SO ORDERED this 28th day of September, 2018, at McAllen, Texas.



Randy Crane
United States District Judge